IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 8995 OF 2007(Y)

RCP.40/2006 OF THE RENT CONTROL COURT, TRIVANDRUM

PETITIONERS:

1. P.UDAYA VARMA, S/O.K.RAMAVARMA,
T.C.23/2288 (WEST) VANCHI POOR FUND BOARD,
PAZHAVANGADI, THIRUVANANTHAPURAM.

2. JEAMKHAN, S/O.ABDUL LATHEEF, NOW
RESIDING AT T.C.28/2288 (WEST),
VANCHI POOR FUND ROAD, PAZHAVANGADI,
THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:

ANANTHALAKSHMY, W/O.PADMANABHAN,
RESIDING AT T.C.28/2288 (EAST)
VANCHI POOR FUND ROAD, PAZHAVANGADI,
THIRUVANANTHAPURAM.

BY ADV. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) 8995/2007

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1	TRUE COPY OF THE ORDER DATED 4.12.2006 IN R.C.P. NO. 40/2006.
EXT.P2	TRUE COPY OF THE DELIVERY ORDER DATED 8.3.2007 IN E.P. NO. 14 OF 2007 IN R.C.P.. NO. 40/2006

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY//

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & ANTONY DOMINIC, JJ.

W.P.(C) NO. 8995 0F 2007

DATED THIS, THE22ND DAY OF MARCH, 2007.

J U D G M E N T

Raman, J.

Petitioners challenge Ext.P2 order passed by the Principal Munsiff, Thiruvananthapuram in E.P. 14/2007 in R.C.P. 40/2006. As per the said order dated 8.3.2007, the execution court allowed the application and posted the case for delivery. It noticed that the petitioners were only requesting for further time for filing objection and finding no reason to grant the said prayer, delivery was ordered. Admittedly, the order of eviction passed by the Rent Control Court has become final. At the time of admission, petitioners' counsel wanted only some time to surrender vacant possession of the building.

2. Notice was issued, the respondent entered appearance and we have heard both sides. In the circumstances of the case and since the petitioners only want a reasonable time to surrender vacant possession of the building, we think the said prayer can be granted on the following terms:

3. Petitioners shall surrender vacant possession of the building on or

before 20.6.2007. The arrears of rent, if any, as on today shall be deposited within one month from today, before the execution court and they shall continue to deposit an amount equivalent to the rent for future use and occupation of the premises until vacant possession is given. Petitioners shall not induct any strangers. Undertaking to abide by the above said conditions, they shall file an affidavit within two weeks before the execution court and on the above said conditions, the execution proceedings will stand deferred till 20.6.2007. However, we make it clear that in case of any default committed by the petitioners, it will be open to the respondent to forthwith execute the order.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-